

DEPARTMENT OF STATE REVENUE

LETTER OF FINDINGS NUMBER: 28-930942 CSET

**CONTROLLED SUBSTANCE EXCISE TAX
FOR TAX PERIODS: 1993, 1994**

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ISSUE

1. CONTROLLED SUBSTANCE EXCISE TAX: IMPOSITION

Authority: IC 6-7-3-5, IC 6-8.1-5-1(b).

Taxpayer protests the assessment of Controlled Substance Excise Tax.

STATEMENT OF FACTS

Taxpayer was arrested twice for possession of marijuana. The Indiana Department of Revenue issued a Record of Jeopardy Finding, Jeopardy Assessment Notice and Demand on November 6, 1993 in a base tax amount of \$17,800.00 and another on December 7, 1994 in a base tax amount of \$520.00. Taxpayer filed protests to the assessments. A telephone hearing on the protests was held on November 30, 1999. At this hearing Taxpayer said he would submit additional evidence. A continuation of the hearing was scheduled for April 11,

2000. Taxpayer was notified of the hearing at his last known address. Taxpayer did not appear for the continuation of the hearing. Further facts will be provided as necessary.

Controlled Substance Excise Tax-Imposition

Discussion

IC 6-7-3-5 imposes the Controlled Substance Excise Tax on the possession of marijuana in the State of Indiana. Taxpayer bears the burden of proving that the assessment of tax is incorrect. IC 6-8.1-5-1(b). The arresting officer's report and Indiana State Police Laboratory report indicate that Taxpayer was in possession of marijuana. At his first hearing Taxpayer indicated that he would present evidence showing that the Indiana Department of Revenue incorrectly imposed the tax against him. Taxpayer never presented any such evidence. Taxpayer did not sustain his burden of proof.

Finding

Taxpayer's protest is denied.